IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 659 OF 2007

Pantula Vasukendra Rao .. Petitioner

vs

Union of India & ors .. Respondents

Mr.A.S.Khandeparkar i.b Akshar Laws for Petitioner
Mr.A.S.Rao with Mr.D.A.Dubey i/b Mr.H.P.Chaturvedi for Respondents

CORAM : S.RADHAKRISHNAN & V.C.DAGA, JJ

DATE : 7th June, 2007

P.C.

1. Learned counsel for the petitioner. and learned counsel for the respondents.

2. By this petition, the petitioner is challenging the order of the CESTAT dated 28th February, 2006. We have perused the said order. Paragraph 3 reads as under :

> 3. As regards Shri P.V.Rao it is seen that he was General Manager of VPL at the relevant time. The Commissioner has observed that being the General Manager and authorized signatory of VPL, he was concerned with the procurement of the licence and disposal of the imported goods in the local market. The appelant has also given an inculpatory statement dated 15.7.1997 during the course of investigation, wherein he has admitted his role in import of the goods as also in their subsequent disposal in the local market. He also admitted that earlier a wrong statement was given by them before the Kandla Customs that the goods were not sold in as much as

he was instructed to give a false statement by the Managing Director of the company. As such we are of the view that the said appellant is liable to imposition of penalty. However, keeping in view that the said appellant is an employee of the company and was acting under the instructions of the Managing Director, we reduce the personal penalty to Rs.25,000/-(Rupees Twenty Five thousand only).

4. In view of the clear admission, we do not find any ground to interfere. Petition is totally devoid of merits.

5. Writ Petition stands dismissed.

(V.C.Daga, J) (Dr.S.Radhakrishnan, J)